

REGISTER



South Dakota Legislative Research Council

Volume 38

Tuesday, 8:00 a.m., December 27, 2011

NOTICES OF PROPOSED RULES: (None)

DECLARATORY RULING:

The South Dakota Lottery Commission has issued Declaratory Ruling 11-1, dated November 18, 2011, which revises the formula used for incentive commissions for on-line retailers who sell valid winning tickets for on-line games. The formula outlined in this ruling is effective January 15, 2012 and supersedes Ruling 10-1.

A copy of the declaratory ruling may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: OFFICE OF LICENSURE AND CERTIFICATION:

44:69:01:01 thru 44:69:01:09, inclusive;
44:69:02:01 thru 44:69:02:11, inclusive;
44:69:03:01, 44:69:03:02; 44:69:04:01 thru
44:69:04:09, inclusive; 44:69:05:01 thru
44:69:05:06, inclusive; 44:69:06:01;
44:69:07:01 thru 44:69:07:05, inclusive; and
44:69:08:01 thru 44:69:08:09, inclusive.

History-Notice: 38 SDR 72, October 24, 2011
Hearing: November 16, 2011
Filed: December 20, 2011
Effective: January 9, 2012

DEPARTMENT OF HEALTH: HEALTH SYSTEMS DEVELOPMENT AND REGULATION: 44:04:01:01, 44:04:01:08; 44:04:02:02.01, 44:04:02:05, 44:04:02:08,

44:04:02:18; 44:04:03:02, 44:04:03:02.01; 44:04:04:03, 44:04:04:04, 44:04:04:07, 44:04:04:07.03, 44:04:04:07.04, 44:04:04:12, 44:04:04:12.01, 44:04:04:17; 44:04:05:05; 44:04:06:11, 44:04:06:11.01; 44:04:07:02.05, 44:04:07:02.06, 44:04:07:04, 44:04:07:10, 44:04:07:13, 44:04:07:15, 44:04:07:16; 44:04:08:03.01, 44:04:08:04, 44:04:08:05, 44:04:08:08; 44:04:09:06; 44:04:12:01; 44:04:13:02, 44:04:13:06, 44:04:13:27, 44:04:13:41; 44:04:15:01, 44:04:15:05, 44:04:15:06; 44:04:17:01, 44:04:17:06, 44:04:17:13; and Article 44:70.

History-Notice: 38 SDR 87, Nov. 7, 2011
Hearing: November 28, 2011
Filed: December 20, 2011
Effective: January 9, 2012

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT: 31:02:01:01 thru 31:02:01:10, inclusive.

History-Notice: 38 SDR 71, October 24, 2011
Hearing: November 7, 2011
Filed: December 20, 2011
Effective: January 9, 2012

DEPARTMENT OF AGRICULTURE: DIVISION OF AG DEVELOPMENT:

12:79:01:01; 12:79:02:02, 12:79:02:03; 12:79:03:01, 12:79:03:03, 12:79:03:04, 12:79:03:07, 12:79:03:09; 12:79:06:01; 12:79:07:08; 12:79:08:04, 12:79:08:05; and 12:79:10:01.

History-Notice: 38 SDR 78, October 31, 2011
Hearing: December 1, 2011
Filed: December 21, 2011
Effective: January 10, 2012

DEPARTMENT OF GAME, FISH AND

PARKS: 41:07:01:01, 41:07:01:02.01, 41:07:01:03, 41:07:01:05, 41:07:01:07.03, 41:07:01:08, 41:07:01:10, 41:07:01:11, 41:07:01:14; 41:07:02:02.01; 41:07:03:03, 41:07:03:06; 41:07:05:02; 41:07:06:01, 41:07:06:01.01, 41:07:06:01.02, 41:07:06:03, 41:07:06:03.01, 41:07:06:05; 41:09:04:02.01, 41:09:04:02.04, 41:09:04:03, 41:09:07:02, 41:09:07:03.02; 41:10:04:01, 41:10:04:02, and 41:10:04:03.

History-Notice: 38 SDR 65, October 17, 2011
Hearing: November 3, 2011
Filed: December 21, 2011
Effective: January 10, 2012

DEPARTMENT OF GAME, FISH AND

PARKS: 41:06:13:02 and 41:06:16:09.

History-Notice: 38 SDR 96, Nov. 14, 2011
Hearing: December 1, 2011
Filed: December 21, 2011
Effective: January 10, 2012

**DEPARTMENT OF LABOR AND
REGULATION: APPRAISER**

CERTIFICATION PROGRAM: 20:14:01:01; 20:14:02:01; 20:14:03:06; 20:14:04:05, 20:14:04:06.01, 20:14:04:07, 20:14:04:09, 20:14:04:13, 20:14:04:15; 20:14:05:02, 20:14:05:03, 20:14:05:06.01, 20:14:05:07, 20:14:05:07.01, 20:14:05:08; 20:14:06:01, 20:14:06:01.01, 20:14:06:01.02; 20:14:09:01; 20:14:12:01; 20:14:13:01, 20:14:13:02.01, 20:14:13:03, 20:14:13:03.01, 20:14:13:10, and 20:14:13:11.

History-Notice: 38 SDR 77, October 31, 2011
Hearing: November 17, 2011
Filed: December 21, 2011
Effective: January 10, 2012

**DEPARTMENT OF LABOR AND
REGULATION: DIVISION OF**

INSURANCE: 20:06:06:04.02, 20:06:06:05; 20:06:10:01 to 20:06:10:12, inclusive, 20:06:10:14 to 20:06:10:17, inclusive,

20:06:10:20 to 20:06:10:30, inclusive; 20:06:12:09; and Chapter 20:06:14.

History-Notice: 38 SDR 78, October 31, 2011
Hearing: November 21, 2011
Filed: December 21, 2011
Effective: January 10, 2012

**DEPARTMENT OF LABOR AND
REGULATION: DIVISION OF
INSURANCE:** 20:06:13:43.03.

History-Notice: 38 SDR 95, Nov. 14, 2011
Hearing: November 28, 2011
Filed: December 21, 2011
Effective: January 10, 2012

**DEPARTMENT OF REVENUE: SOUTH
DAKOTA COMMISSION ON GAMING:**

20:18:14:01:01, 20:18:14:01:02; 20:18:15:30.10; 20:18:16:15.16; and 20:18:17:42.

History-Notice: 38 SDR 78, October 31, 2011
Hearing: November 30, 2011
Filed: December 21, 2011
Effective: January 10, 2012

PUBLIC UTILITIES COMMISSION:

20:10:17:06, 20:10:17:07, 20:10:17:08, 20:10:17:09, 20:10:17:09.01, 20:10:17:09.02; 20:10:22:05; 20:10:36:02; 20:10:38:01 thru 20:10:38:07, inclusive.

History-Notice: 38 SDR 65, October 17, 2011
Hearing: November 9, 2011
Filed: December 21, 2011
Effective: January 10, 2012

**DEPARTMENT OF REVENUE: SOUTH
DAKOTA LOTTERY COMMISSION:**

48:03:06:05.

History-Notice: 38 SDR 66, October 17, 2011
Hearing: November 18, 2011
Filed: December 22, 2011
Effective: January 11, 2012

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
MINERALS AND ENVIRONMENT:**

Article 74:10; Article 74:12.

History-Notice: 38 SDR 71, October 24, 2011

Hearing: November 16, 2011

Filed: December 23, 2011

Effective: January 12, 2012

**OFFICE OF THE SECRETARY OF
STATE: BOARD OF ELECTIONS:**

5:02:17:14.

History-Notice: 38 SDR 88, Nov. 7, 2011

Hearing: November 29, 2011

Filed: December 23, 2011

Effective: January 12, 2012

**OFFICE OF THE SECRETARY OF
STATE: 5:04:07:01 and 5:04:07:02.**

History-Notice: 38 SDR 95, Nov. 14, 2011

Hearing: December 1, 2011

Filed: December 23, 2011

Effective: January 12, 2012

Executive Appointments:

Shirley A. Bernie, Pierre, was appointed on December 20, 2011, to the **South Dakota Interagency Coordinating Council**, to replace Michelle Guelde, effective January 1, 2012, and shall continue until December 31, 2014.

Michael Birnbaum, Rapid City, was reappointed on December 20, 2011, to the **Veterans Commission**, effective immediately and shall continue until October 1, 2017.

Mona Drolc, Rapid City, was reappointed on December 20, 2011, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2014.

Jody D. Frye, North Sioux City, was appointed on December 20, 2011, to the **South Dakota**

Public Safety Communications Council, to replace Steve Christensen, effective December 19, 2011, and shall continue until June 30, 2013.

Jerrid W. Goebel, Sturgis, was reappointed on December 20, 2011, to the **Board of Chiropractic Examiners**, effective immediately and shall continue until January 1, 2015.

Thomas T. Keck, Rapid City, was appointed on December 20, 2011, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Joe Harrison, effective January 1, 2012, and shall continue until December 31, 2014.

Beverly J. McCracken, Rapid City, was appointed on December 20, 2011, to the **Board of Chiropractic Examiners**, to replace James Lawler, effective January 2, 2012, and shall continue until January 1, 2015.

Kenneth G. McNenny, Sturgis, was reappointed on December 20, 2011, to the **South Dakota Ellsworth Development Authority**, effective immediately and shall continue until January 18, 2016.

Michelle L. Menke, Sioux Falls, was reappointed on December 20, 2011, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2014.

Kent E. Mundon, Rapid City, was reappointed on December 20, 2011, to the **South Dakota Ellsworth Development Authority**, effective immediately and shall continue until January 18, 2016.

Lisa A. Sanderson, Sioux Falls, was appointed on December 20, 2011, to the **South Dakota Interagency Coordinating Council**, to replace Elaine Roberts, effective January 1, 2012, and shall continue until December 31, 2014.

Lawrence L. Weiss, Pierre, was appointed on December 20, 2011, to the **Board of Military Affairs**, to replace Don Rounds, effective immediately.

Beverly R. Rosenboom, Sturgis, was appointed on December 20, 2011, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Eric Kline, effective January 1, 2012, and shall continue until December 31, 2014.

Terry Sabers, Mitchell, was reappointed on December 20, 2011, to the **South Dakota Board of Education**, effective immediately and shall continue until December 31, 2015.

Patricia Simmons, Sioux Falls, was reappointed on December 20, 2011, to the **South Dakota Board of Education**, effective immediately and shall continue until December 31, 2015.

Michael S. Bender, Sioux Falls, was reappointed on December 21, 2011, to the **South Dakota Ellsworth Development Authority**, effective immediately and shall continue until January 18, 2016.

Erin Hayes, Sioux Falls, was reappointed on December 21, 2011, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2014.

David Fischbach, Faith, was reappointed on December 21, 2011, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2015.

Tom Glover, Burke, was reappointed on December 21, 2011, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2015.

Bleau J. LaFave, Tea, was reappointed on December 21, 2011, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2014.

Eugene Solseth, Rapid City, was reappointed on December 21, 2011, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2014.

Alan Vedvei, Lake Preston, was reappointed on December 21, 2011, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2015.

Dave M. Giovannini, Aberdeen, was appointed on December 22, 2011, to the **South Dakota Workforce Development Council**, to replace Richard Vincent, effective December 22, 2011, and shall continue until June 30, 2014.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

1-25-2012	Transportation	Amend a speed limit on two segments of SD Highway 42 in Minnehaha County from 65 miles per hour to 55 miles per hour; 38 SDR 109.
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RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-seventh Legislative Session to set the tentative meeting schedule for the 2012 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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